

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Manorfield Road, 195 ft. * ZONING COMMISSIONER
S of 671 Silver Spring Road * OF BALTIMORE COUNTY
8648 Manorfield Road *
11th Election District * Case No. 92-72-A
6th Councilmanic District *
Robert E. Marx, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side yard setback for an open projection (carport), in lieu of the required 7-1/2 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners/property owners, Robert E. and Jane T. Marx, appeared and testified. Appearing as Protestants were Mr. and Mrs. James E. Bratt, the owners of the neighboring property at 8646 Manorfield Road.

Testimony elicited at the hearing was that the subject property is approximately 1/3 of an acre in size and is zoned D.R.5.5. The property is improved with a split level frame dwelling with an open deck to the rear. Vehicular access to the property is by way of a concrete driveway which extends from Manorfield Road to the side of the dwelling.

Mr. and Mrs. Marx testified that they previously retained a contractor to construct a carport at the end of the driveway. This carport was desired so that they would have a place where their cars could be parked and protected from the elements. When the contractor was retained, the Petitioners testified that they were assured that the carport would be constructed under the purview of a lawful permit and in compliance with

all existing zoning regulations. However, after completion of the carport, they were advised that the contractor did not obtain a permit and that the subject variance was necessary.

Mr. and Mrs. Bratt, the Petitioners' next door neighbors, appeared in opposition. They indicated that they did not wish the carport to be torn down, however, they did object to same. Their main objections centered on the increased sound which vibrated through their house when the Marx's vehicles were running while in the carport, the unsightly appearance of those vehicles and the stone gravel driveway extension.

The evidence has been carefully considered, including not only the testimony of the witnesses, but the photographs and drawings. Although the Protestants do not wish the carport to be removed and only desire restrictions upon its use, it is this writer's opinion that any such restrictions would be unenforceable. Nonetheless, it is hoped that the parties, both of whom obviously appeared with best intentions, will work together for the enhancement of their enjoyment of their respective properties.

Based upon the testimony and evidence presented at the hearing, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. The evidence in the record is persuasive that the subject variance will not adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of Oct., 1991 that a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 1 ft. side yard setback for an open projection (carport), in lieu of the required 7-1/2 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. There shall be no service garage work performed within the carport or on the subject property at any time.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 22, 1991

Mr. and Mrs. Robert E. Marx
8648 Manorfield Road
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
Case No. 92-72-A

Dear Mr. and Mrs. Marx:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.
cc: Peoples Counsel
cc: Mr. and Mrs. James E. Bratt



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 1 ft. side yard setback for an open projection (carport), in lieu of the required 7-1/2 ft., as more particularly described on Petitioners' Exhibit No. 1.

Practical Difficulty: 92-72-A
Hardship: 92-72-A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

ROBERT E. MARX

JANE T. MARX

JANE T. MARX

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

529-3451

8648 MANORFIELD RD

BALTIMORE MD 21236

Practical Difficulty: 92-72-A

It was logical to put the carport

on this side of the house because

the driveway was already existing and

the front door and walkway are on

that side of the house.

Hardship:

1) The backyard of the property

has a water problem. At times, if

the rain is heavy, the backyard

floods, sometimes as high as

one foot deep.

2) This structure will protect the

cars from snow, ice and the

elements. Also, with one child

under 5 years of age and a

second child on the way, it

will be safer and easier

getting them in and out of the

car during inclement weather,

and also for packing the car

of all necessary baby supplies.

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 1, Block F, as shown on the Plat entitled Section Two, Plat 4, Final Plan Section Two and Resubdivision of Part of Blocks C 7 & D Section One OTG 35, folio 83, Halffield Manor, which Plat is recorded among the Land Records of Baltimore County in Plat Book OTG No. 5, folio 52. The improvements thereon being known as No. 8648 Manorfield Road.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th
Posted for: 14 days
Petitioner: Robert E. Marx, et ux
Location of property: 8648 Manorfield Rd
Location of Sign: 8648 Manorfield Rd
Remarks: 8648 Manorfield Rd
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on 10/22/91, 1991.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlan
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/22/91, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 10/22/91, 1991.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 27, 1991

TO: ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 68
PROPERTY OWNER: Robert E. Marx, et ux

LOCATION: W/S Manorfield Road, 195' S of centerline
Silver Spring Rd. (#8648 Manorfield Road)
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 6c

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMP (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- (X) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME: JAMES E. BRATT
ADDRESS: 8648 MANORFIELD RD
BALTO MD 21236

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: Mr + Mrs Robert E. Marx
ADDRESS: 8648 Manorfield Rd
Balto Md 21236

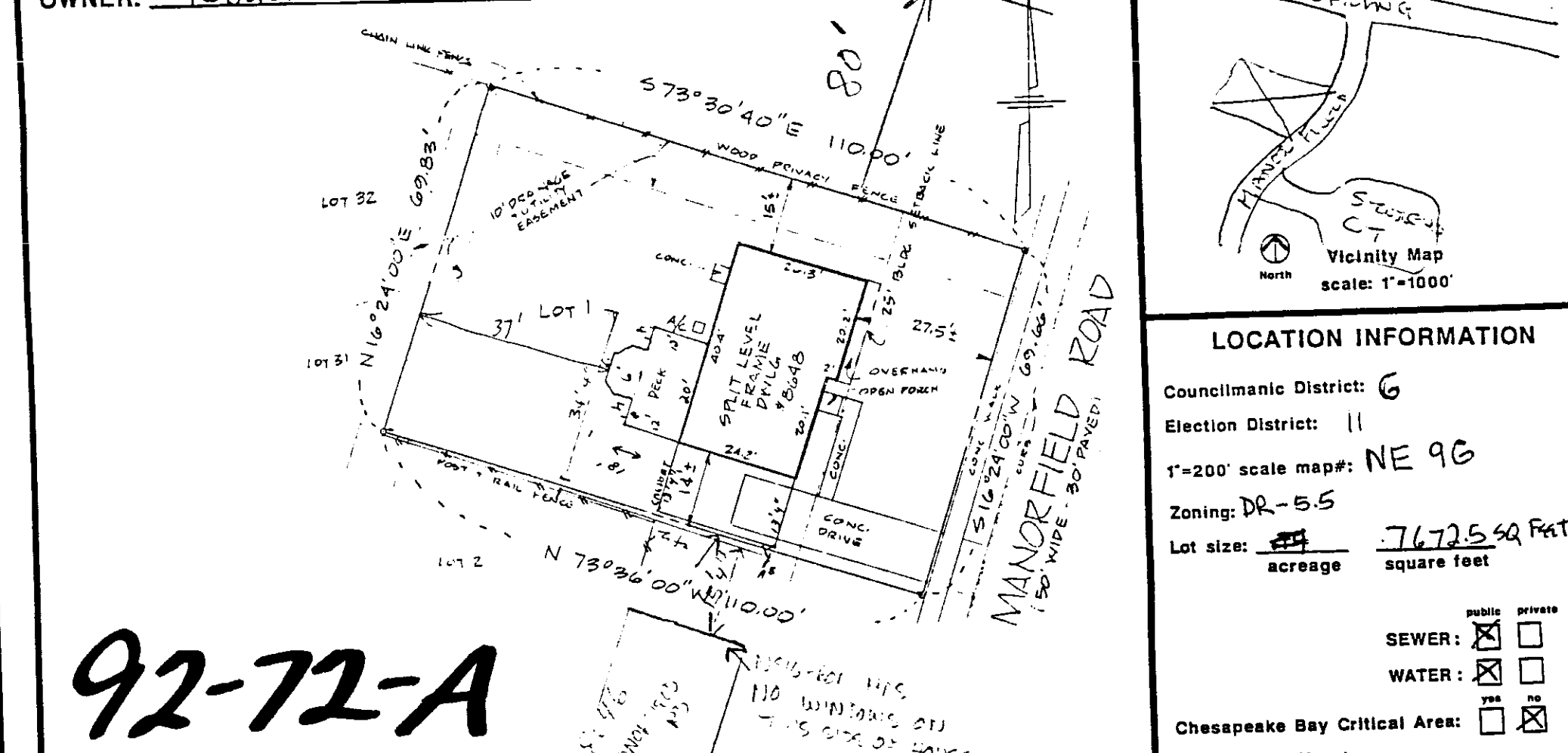
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8648 MANORFIELD RD

Subdivision name: HALSFIELD MANOR

plat book 36 folio 52 lot # 1 section # 2

OWNER: ROBERT E. + JANE T. MARX



North
date: 8-12-91
prepared by: [signature]
Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Councilmanic District: 6

Election District: 11

1"=200' scale map: NE 9C

Zoning: DR-5.5

Lot size: 7,725 sq ft

acreage

SEWER: ☒ WATER: ☒

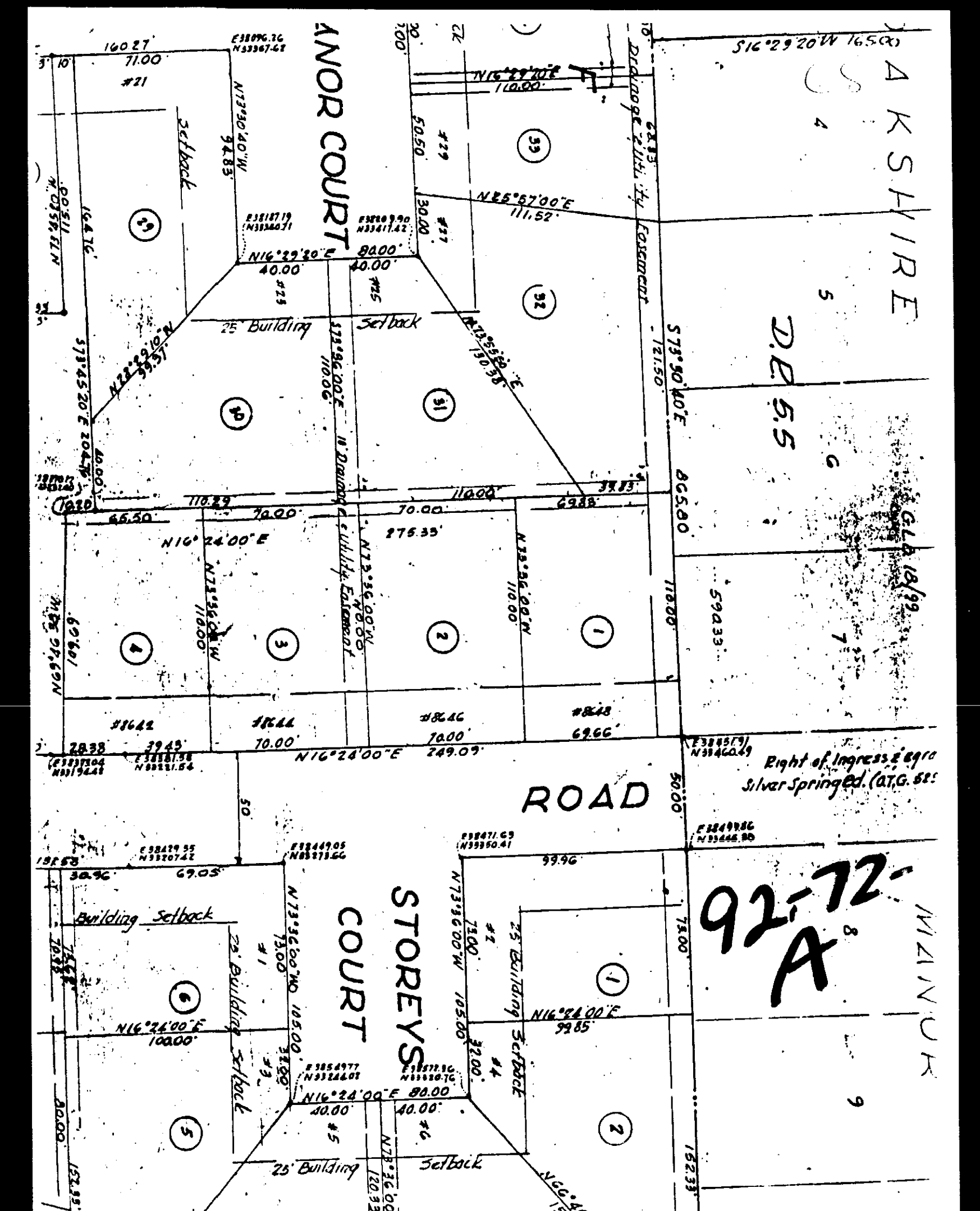
Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [signature] ITEM #: CASE#:

SLD GS



CASE NUMBER 92-72-A
PETITIONER'S EXHIBIT #



Carport Showing Both Houses



Carport Seen From Front

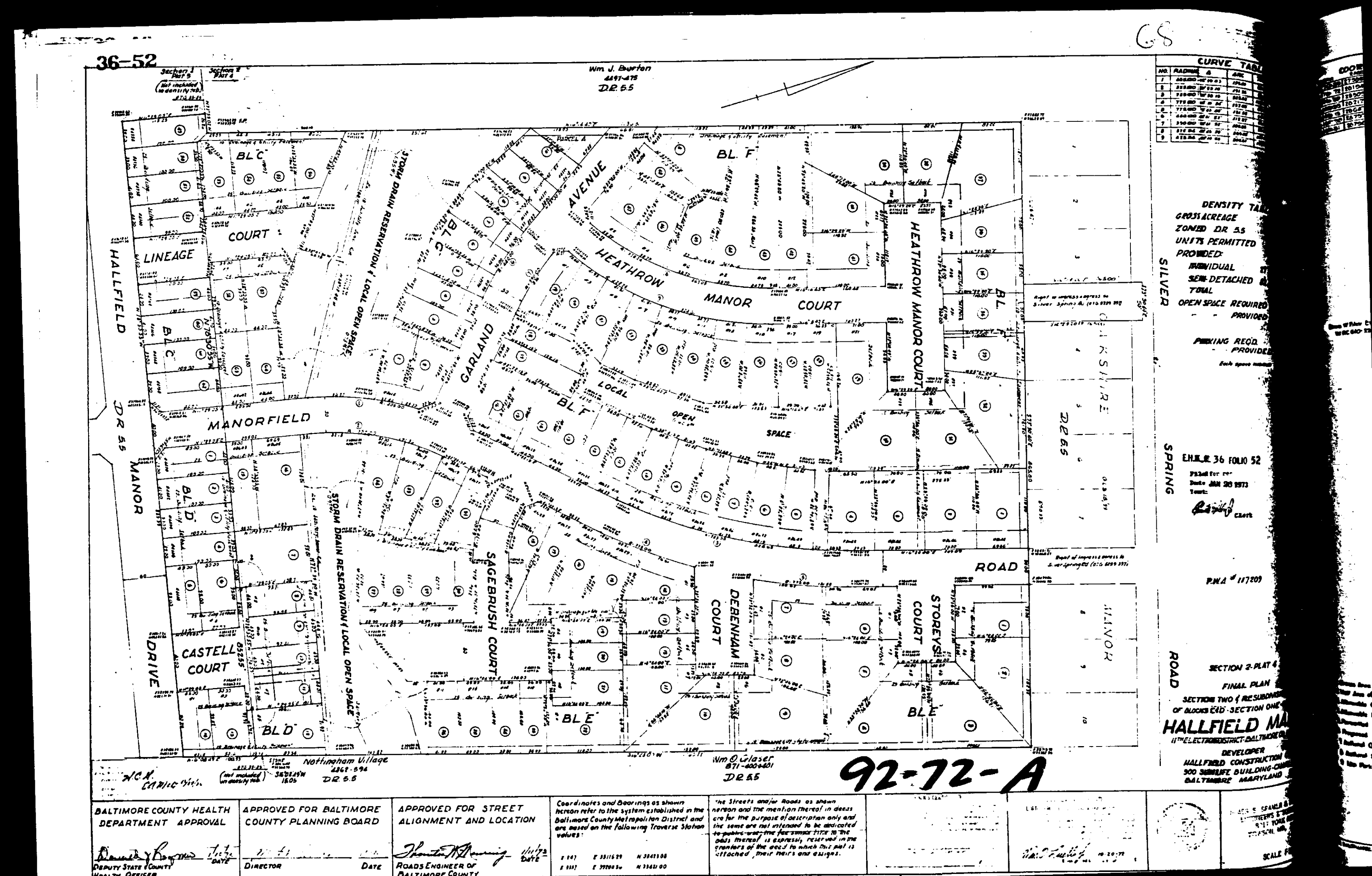
CASE NUMBER 92-72-A
PETITIONER'S EXHIBIT #



Carport Seen From Street



Carport Seen From Rear



BALTIMORE COUNTY HEALTH DEPARTMENT APPROVAL
APPROVED FOR BALTIMORE COUNTY PLANNING BOARD
APPROVED FOR STREET ALIGNMENT AND LOCATION

Coordinates and Bearings as shown herein refer to the system established in the Baltimore County Department of Public Works and are based on the following Traverse Station values:

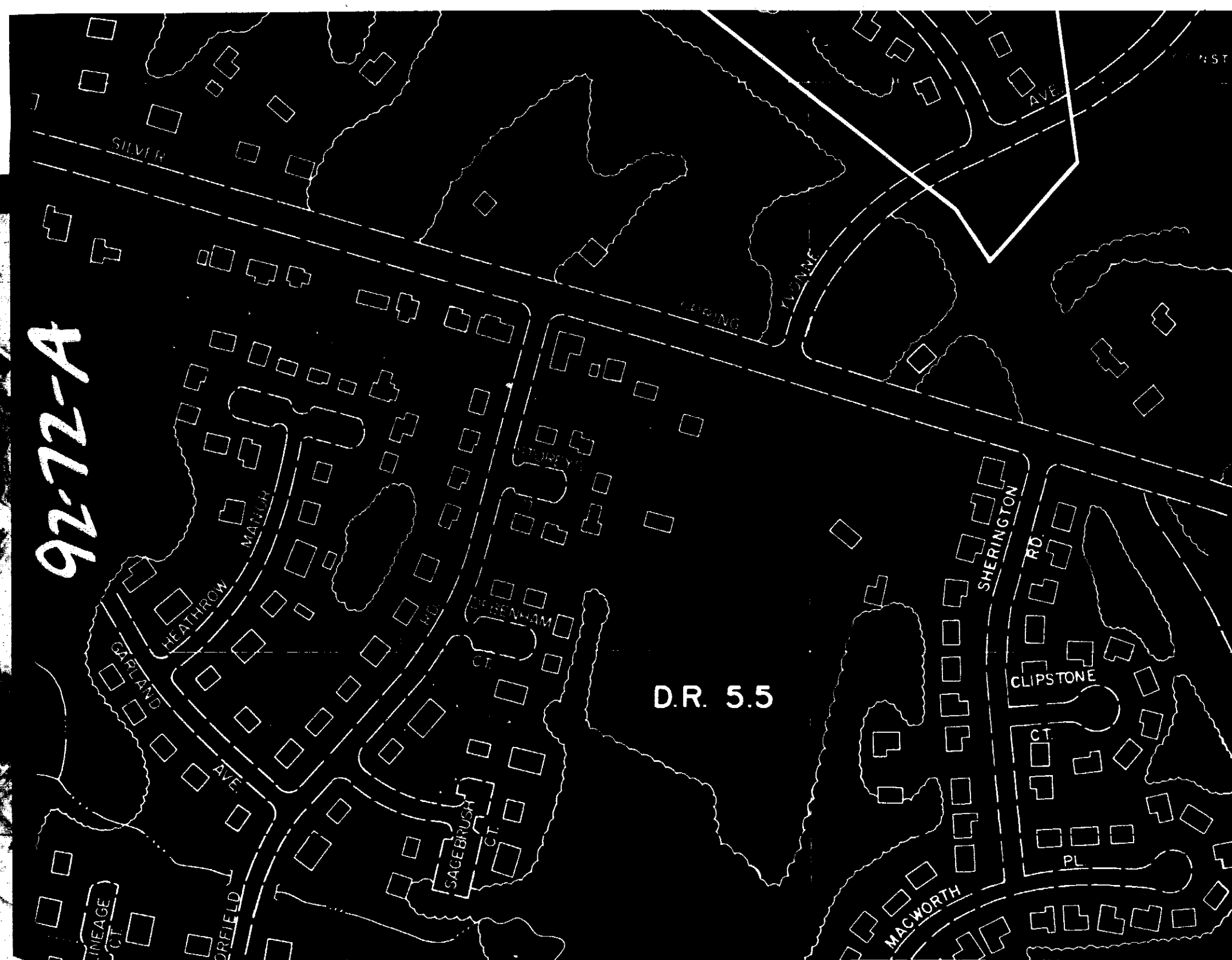
The Streets and Roads as shown herein are the result of the survey conducted by the Baltimore County Department of Public Works and are based on the following Traverse Station values:

DATE: 8-12-91 BY: [signature]

DATE: 8-12-91 BY: [signature]

DATE: 8-12-91 BY: [signature]

DATE: 8-12-91 BY: [signature]



68 BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E. 9-G
DATE OF PHOTOGRAPHY JANUARY 1986		